

## REMARKS

### Status of the Application

Claims 1-17 were pending in the application at the time the Office Action was mailed.

Claims 1-17 were rejected. No claims were allowed.

By this amendment, claims 1-17 have been cancelled, and new claims 18-37 have been added. Therefore, claims 18-37 are now pending and before the Examiner for consideration. Accordingly, the claims are in condition for allowance and Applicant respectfully requests that the Examiner allow the claims to issue.

### Objections to Drawings

The drawings were objected to under 37 CFR 1.83(a) for failing to show fins “longitudinal vertical” and “longitudinal horizontal” including nose as described in the specification. A new sheet of drawing, Figure 10, is attached hereto. Figure 10 shows longitudinal vertical and longitudinal horizontal fins including the nose of a fuselage. Support for the longitudinal fins shown in Figure 10 can be found on page 1 (last paragraph), page 2 (lines 4-7 and 12-14), page 6 (lines 1-5), and page 7 (lines 3-10) of the specification. Applicant believes the submitted drawing fulfills the statutory requirements. Thus, no further correction is needed and withdrawal of the drawing objections is respectfully requested.

### Rejection Under 35 U.S.C. 112 First Paragraph

Claims 1-17 were rejected under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the written description requirement. In particular, the Office Action states:

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. On page 9, lines 2-10, claim 1 is not properly described in the application as filed. The term "longitudinal vertical or slanted fins... said fin forming a channel with the underside of said fuselage, including nose and tail..." and "longitudinal horizontal or laterally slanted fins.... including a slope onto said nose" are not explicitly described or shown in the figures.

In view of the Examiner's statements regarding the absence of an explicit description or showing of the fins including the nose in the figures, Figure 10 has been added. Figure 10 shows longitudinal vertical and longitudinal horizontal fins including the nose of a fuselage. As to the Examiner's statement "...claim 1 is not properly described in the application as filed," claims 1-17 have been cancelled and new claims 18-37 have been added. New independent claim 18 (from which all other claims depend) is supported in the application as filed. Support for the "at least a first longitudinal fin and second longitudinal fin, each of the fins positioned on the lateral lower portions of the fuselage" can be found on the last paragraph of page 1, lines 2-6 of page 6, line 12 of page 6 through line 6 of page 7, lines 11-22 of page 7, and lines 1-3 of page 8. In addition, the longitudinal fins of claims 18-37 are explicitly shown in originally filed Figures 1-9 and new Figure 10. Withdrawal of this rejection is therefore respectfully requested.

#### Rejection Under 35 U.S.C. 112 Second Paragraph

Claims 1-17 were rejected under 35 U.S.C. 112, second paragraph, for failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. According to the Examiner:

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

Claims 1-17 have been cancelled and new claims 18-37 have been added. The elements recited in claims 18-37 are logically related to each other and form a complete operative device. New claims 18-37 clearly and positively specify the invention and contain no functional language. Withdrawal of these rejections is thus respectfully requested.

#### Rejection Under 35 U.S.C. 102

On page 3 of the Office Action, claims 1-17 were rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by Papke (Des. 85,198). Applicant respectfully traverses this rejection. The Examiner further asserts that:

As best the applicant's invention can be understood in view of the comment above, Papke teaches a lifting arrangement for an aircraft fuselage comprising: longitudinal vertical or slanted fins positioned on a lower lateral portion of said fuselage, said fins forming a channel with the underside of said fuselage, including nose and tail, open on a lower area; and longitudinal horizontal or laterally slanted fins on a lateral middle or middle-to-low portion of said fuselage including a slope onto said nose, said laterally slanted fins directing airflow downward and backward (fig. 2).

Applicant respectfully asserts that independent claim 18 of the present application is patentably distinguishable over the Papke reference. In order for a reference to anticipate a claim, the reference must teach every element of the claim. In the instant application, new claim 18 (from which claims 19-37 depend) recites "...at least one first longitudinal fin and at least one second longitudinal fin, each of the fins positioned on lateral lower portions of the fuselage." Papke does not anticipate claim

18 because it does not teach the use of longitudinal fins on lateral lower portions of a fuselage. In fact, nowhere in the three figures of Papke is a fin of any type or at any position portrayed.

Therefore, since Papke fails to teach or disclose the use of a lifting arrangement for an aircraft fuselage including longitudinal fins, Applicant respectfully submits Papke does not anticipate or render obvious any of the pending claims. Accordingly, claims 18-37 are allowable in view of this reference and Applicant respectfully requests a withdrawal of this rejection.

#### Prior Art Made of Record But Not Relied Upon

Applicant notes the Examiner's assertion that Brown (3,625,459), although not replied upon, is considered pertinent to Applicant's disclosure. According to the Examiner:

Brown (3,625,459) teaches a lifting arrangement for an aircraft fuselage comprising: longitudinal vertical or slanted fins positioned on a lower lateral portion of said fuselage, said fins forming a channel with the underside of said fuselage, including nose and tail, open on a lower area; and longitudinal horizontal or laterally slanted fins on a lateral middle or middle-to-low portion of said fuselage including a slope onto said nose, said laterally slanted fins directing airflow downward and backward (fig. 3)."

Applicant respectfully disagrees with this assertion because Brown does not teach an aircraft fuselage having longitudinal fins on the lateral lower portions of the fuselage. Claim 18 (from which claims 19-37 depend) recites "[a] lifting arrangement for an aircraft fuselage comprising at least a first longitudinal fin and a second longitudinal fin, each of the fins positioned on the lower lateral portions of the fuselage, wherein the first and second fins form

a channel with the underside of the fuselage, including the nose and tail of the fuselage.”

Albeit Brown describes a delta-shaped airfoil having a channel in the upper surface center (column 1 lines 42-51) and lifting surfaces (column 2 lines 40-45 and 61-63), nowhere does it describe a fin of any sort that contributes to lift. This is the subject of the present application. See Applicant’s specification: the last paragraph of page 1, lines 2-6 of page 6, line 12 of page 6 through line 6 of page 7, lines 11-22 of page 7, and lines 1-3 of page 8. For these reasons, each of the pending claims is patentable over Brown.

### Conclusion

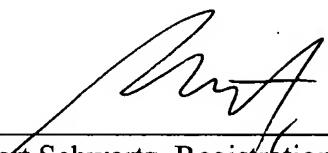
The currently pending claims before the Examiner are supported throughout the specification and are patentable over the prior art. No new matter has been added. This application is now in full condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees under 37 CFR 1.16 or 1.17 as required by this paper to Deposit Account 182262.

The Examiner is cordially invited to call the undersigned if clarification is needed on any matter within this amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

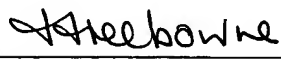
Respectfully submitted,

Date: May 21, 2004  
Enclosures:

By:   
Robert Schwartz, Registration No. 29,854  
RUDEN McCLOSKEY, SMITH,  
SCHUSTER & RUSSELL, P.A.  
200 East Broward Boulevard  
Fort Lauderdale, Florida 33301-1964  
Tel.: (954) 527-6252  
Fax.: (954) 333-4252  
E-Mail: [Robert.Schwartz@Ruden.com](mailto:Robert.Schwartz@Ruden.com)

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, 22313-1450 on May 21, 2004.

  
\_\_\_\_\_  
Vernice V. Freebourne

\_\_\_\_\_  
May 21, 2004  
Date